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October 19, 1936.

Hon. H. K. Mangum,
County Attorney,
Flagstaff, Arizona.

Dear Mr. Mangum:

In reply to your communication of September 24th:

In our opinion, the following provision of Section 405, Code 1928, is so definite that it does not permit of a more clear expression:

"No mayor, alderman or councilman of any city or town, shall, during the term for which he has been elected, accept, take or receive to his own use, from such city or town, any money or other thing of value, other than that which is, by this chapter provided to be paid him for his services as such; * * * * *

Your letter expresses that the councilman is drawing wages direct from the city for services as a carpenter upon street improvements that are controlled directly by the city.

We are convinced that it is the clear intentment of Section 405 that no councilman shall be permitted to receive "any money or other thing of value" from the city for the sale of either merchandise or services contracted and paid for by the city thereof even though the city, under some rule, is to be reimbursed for such merchandise or services. The section evidently is intended to remove all pecuniary interest of the councilmen in transactions that the city is a party to.

We are returning herewith the stubs of the two checks referred to.

Respectfully,

JOHN L. SULLIVAN,
Attorney General.

JOHN W. MURPHY,
Assistant Attorney General.

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